Approved For Release 2005/06/06 : CIA-RDP75B00380R000700090005-5

JOINT RESOLUTION Concerning the war powers of the Congress and the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

Sec. 2. It is the purpose of this Resolution to fulfill the intent of the framers of the Constitution of the United States and provide for the collective judgment of both the Congress and the President to apply to the introduction of the Armed Forces of the United States in armed conflict, or in situations where imminent involvement in armed conflict is clearly indicated by the circumstances, and to the continued use of such forces in armed conflict or in such situations after they have been introduced in armed conflict or in such situations.

Sec. 3. It is the sense of Congress that the President should seek appropriate consultation with the Congress before introducing the Armed Forces of the United States into armed conflict or in situations where imminent involvement in armed conflict is clearly indicated by the circumstances and should continue such consultation periodically during such armed conflict or such situation.

Sec. 4. It is the sense of the Congress that, in the absence of a declaration of war by the Congress, the Armed Forces of the United States should be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only --

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from any country in which such citizens and nationals are present with the express or tacit consent of the

Approved For Release 2005/06/06 : CIA-RDP75B00380R000700090005-5

Approved For Release 2005/06/06 : CIA-RDP75B00380R000700090005-5
government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country;

(4) to protect on the high seas citizens and nationals of the United States and United States flag vessels; or

(5) pursuant to specific statutory authorization.

Sec. 5. The introduction of the Armed Forces of the United States into armed conflicts, or in any situation where imminent involvement in armed conflict is clearly indicated by the circumstances, shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such Armed Forces were introduced to such armed conflict or in such situation, the estimated scope of such armed conflict or situation, the constitutional legislative and treaty provisions under which he took such action, together with his reasons for not seeking specific prior congressional authorization. Whenever Armed Forces of the United States are engaged in armed conflict or in any such situation outside of the United States, its territories and possessions, the President shall, so long as such Armed Forces continue to be engaged in such armed conflict or in such situation, report to the Congress periodically on the status of such armed conflict or situation as well as the scope and expected duration of such armed conflict or situation, but in no event shall he report to the Congress less often than every six months.

Sec. 6. It is the sense of the Congress that the use of the Armed Forces of the United States in armed conflict, or in any situation where imminent involvement in armed conflict is clearly indicated by the circumstances, should not be sustained beyond thirty days from the date of the introduction of such Armed Forces in armed conflict or in any such situation unless (1) the President determines that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such armed conflict; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces in such armed conflict or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

Approved For Release 2005/06/06 : CIA-RDP75B00380R000700090005-5

Approved For Release 2005/06/06 : CIA-RDP75B00380R000700090005-5

Sec. 7. (a) Any bill or joint resolution authorizing the use of the Armed Forces of the United States in armed conflict or in any situation where imminent involvement in armed conflict is clearly indicated by the circumstances, shall, if sponsored or co-sponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays. Any such bill or joint resolution, after having been passed by the House of Congress in which it originated, shall be considered reported to the floor of the other House of Congress within one day after it has been passed by the House in which it originated and sent to the other House, unless the Members of the other House shall otherwise determine by yeas and nays.

(b) Any bill or joint resolution reported to the floor pursuant to subsection (a) or when placed directly on the calendar shall immediately become the pending business of the House in which such bill or joint resolution is reported or placed directly on the calendar, and shall be voted upon within three days after it has been reported or placed directly on the calendar, as the case may be, unless such House shall otherwise determine by yeas and nays.

Sec. 8. This Resolution shall not apply to armed conflict in which the Armed Forces of the United States are involved on the effective date of this Act.

Sec. 9. Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President.

Approved For Release 2005/06/06 : CIA-RDP75B00380R000700090005-5